



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Garrison
Serial No.: 10/743,615
For: RENEWABLE TEXTURED COSMETIC COMPOSITION
Filed: December 22, 2003
Examiner: G.C. Yu
Art Unit: 1617
Confirmation No.: 7572
Customer No.: 27,623

Attorney Docket No.: 680.0039USQ

SECOND DECLARATION UNDER 37 C.F.R. 1.132

I, Mark S. Garrison, declare the following:

THAT I prepared a cosmetic composition. I tested the composition to see if the surface appearance was renewed after being disturbed.

THAT I prepared the following composition according to the following procedure:

Phase A

Water	72.55
Disodium EDTA	0.10
Glycerin	3.00
Carbopol 940	0.75

Phase B

Mixed dimethicones (Dow Corning 2-1184 fluid)	5.00
Cetearyl glucoside	1.25
Cetearyl alcohol	0.50
Hydrogenated polyisobutene	3.00
PEG 100 stearate	0.50
Phenyltrimethicone	1.00

Behenyl alcohol	2.50
Octyl methoxy cinnamate	5.00
Phase C	
Sodium dehydroacetate	0.10
Chlorphenesin	0.20
Butylene glycol	3.00
Phenoxyethanol	0.50
Phase D	
Triethanolamine	0.75
Fragrance	0.3
Total	100.00

- 1) forming the aqueous phase by combining the first three phase A ingredients in a beaker at room temperature with low-shear propeller mixing, then dispersing the fourth ingredient (Carbopol 940) in the beaker with high-shear propeller mixing for 60 minutes until uniform and subsequently heating the aqueous phase to 75° C;
- 2) forming the oil phase by combining the phase B ingredients in a separate beaker while heating to 75° C and mixing by hand with a spatula until melted;
- 3) adding the oil phase to the aqueous phase with propeller stirring to form an emulsion;
- 4) continuing to propeller mix while allowing the emulsion to begin cooling;
- 5) adding the phase C ingredients to the emulsion with continued propeller mixing at low shear after the emulsion had cooled to 50° C;
- 6) adding the phase D ingredients to the emulsion sequentially with propeller mixing at low shear after the emulsion had cooled to 45° C; and
- 7) milling the emulsion in a Greerco homogenizer for 2 minutes at a rheostat setting of 30 to obtain the final composition.

THAT the composition took the form of a oil-in-water (O/W) emulsion and appeared white in color under visual examination. That it was an O/W emulsion was verified by addition of a drop of 1% aqueous FD&C blue #1 solution to a small quantity of the composition and noting the rapid uniform coloration therein, which indicates that water is in the external phase. The composition exhibited a viscosity of 360,000 centipoise when measured by a Brookfield RVT viscometer using a spindle TD @ 4 RPM for a period of one (1) minute.

THAT the composition was deposited in a jar. The composition was deposited such that the composition exhibited a substantially planar surface towards the open mouth of the jar. A lid was screwed on to the open mouth of the jar such that the jar was hermetically sealed for several hours. (Figure 1). Then, the lid was removed and the surface of the composition disturbed with a finger such that it became distorted (indented) relative to its original appearance (Figure 2). The trough made by the finger is clearly visible in Figure 2. The lid was then screwed back on the jar such that the jar was again hermetically sealed. Forty-five (45) minutes later, the lid was removed and the appearance of the surface of the composition was examined. The surface of the composition still retained substantially the entire distorted appearance that it had exhibited just after being disturbed (Figure 3).

THAT I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issued thereon.

Mark D. Hamman
name

4/24/07
date



ATTACHMENT FOR FIRST DECLARATION

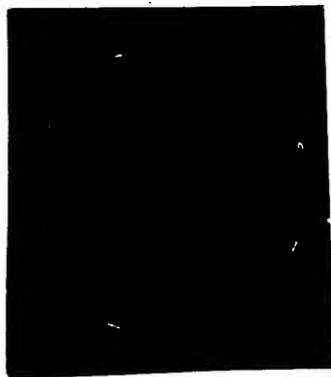
Figure 1



Figure 2



Figure 3





· ATTACHMENT FOR SECOND DECLARATION

Figure 1

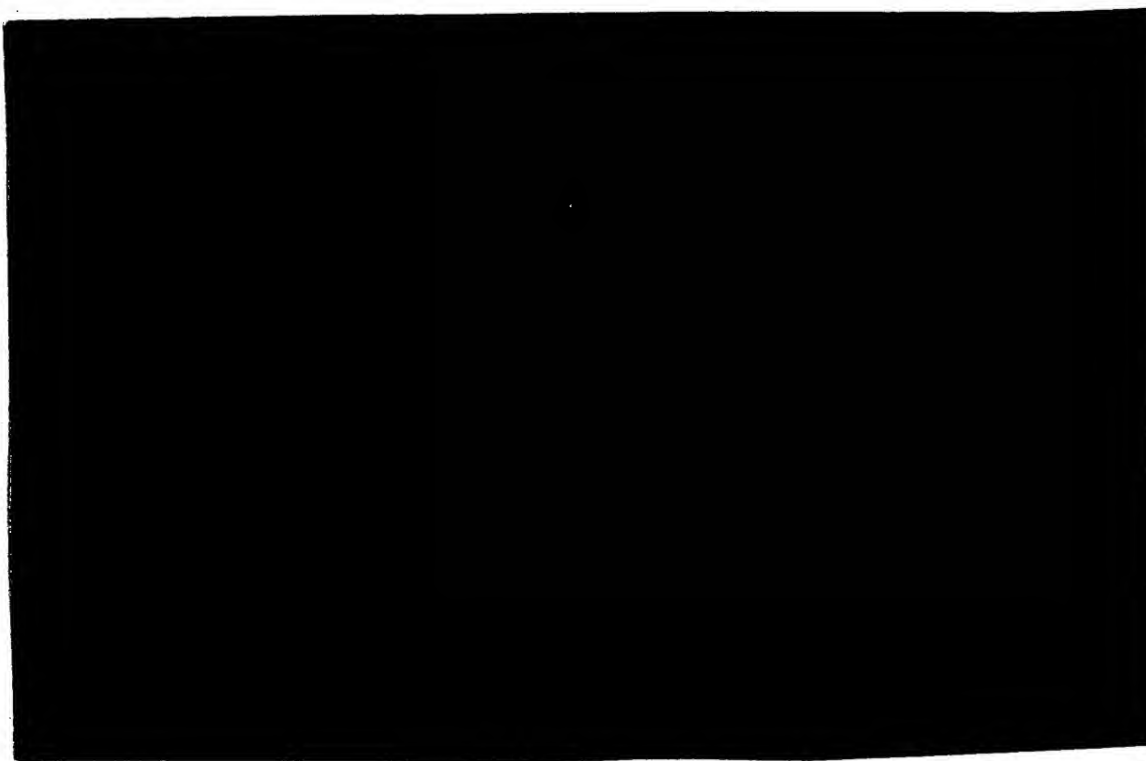


Figure 2

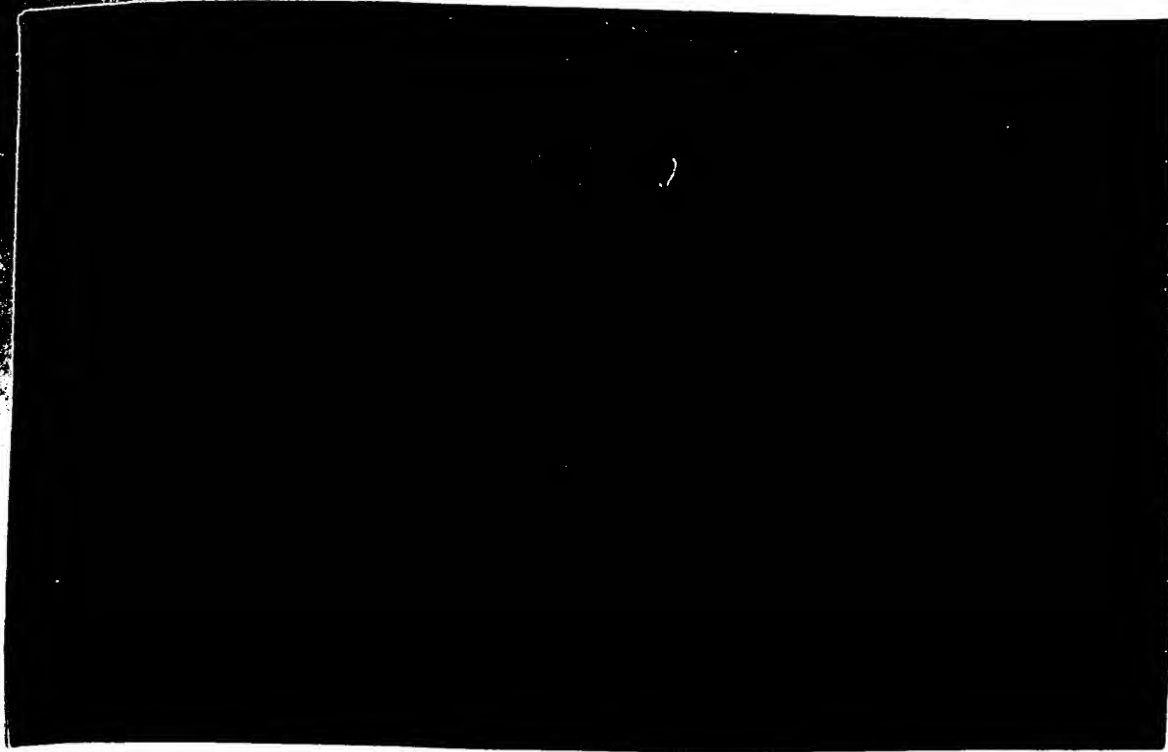


Figure 3

